

REMARKS

These Preliminary Remarks accompany a continuation application of U.S. Ser. No. 09/679,553. In the present application, claims 1-29 are presented for consideration by the Examiner. The present Remarks are directed to the final Official Action mailed July 9, 2003 in the parent case, in which the Examiner rejected several claims under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,848,143 to Andrews et al. (Andrews). The presently presented claims are discussed below with reference to similar claims in the parent case.

Through the use of a hypertext network such as the Internet, a telemarketing system according to the present invention permits customers, agents and supervisors that are remote from one another to interact by performing telemarketing functions (e.g., call routing, providing a customer interface, providing supervisor administrative tools) that are implemented separately from media transport functions (e.g., switching hardware and software for carrying communications) (see Specification, p. 14, line 14 – p.15, line 5).

In each of the claims in the present application, a supervisor client and/or agent client is connected to a telemarketing server through the Internet. Because the Internet is a hypertext network, the supervisor is able to perform various functions from a location remote from the agents being supervised, remote from the telemarketing server system and remote from the customer. An agent is able to receive information about customers in addition to simply receiving an Internet call.

In contrast, Andrews shows the use of the Internet network solely for the purpose of transporting Internet telephone calls between callers and agents and status messages between agents and a central controller (see, e.g., Andrews, col. 6, lines 15-19; col. 11, lines 39-67; col.

12, lines 47-56). Andrews does not, for example, disclose the use of the Internet to permit supervisors to control queues for agents, or for providing customer information to the agents

Claims 1 and 11 of the present application contain elements from claim 35 in the immediate parent, and are directed to a system and method, respectively, of providing a telemarketing service. In addition to the limitations of claim 35 of the parent, claims 1 and 11 of the present application require that the supervisor client includes a supervisor page that permits manual adjustment of the queue based on telemarketing system information.

Neither Andrews nor any other art known to the applicant discloses the use of information provided over the Internet for manual adjustment of call queues in a telemarketing system. That functionality is substantially superior to that of the system taught by Andrews, wherein system information is used solely to adjust call routing as future calls arrive. The claimed functionality is made possible, in part, by the Web-based/hypertext-based architecture of the present invention.

In dependent claims 2 and 12, that manual adjustment is permitted through the Internet. In claims 3 and 13, telemarketing system information is sent to the supervisor client through the Internet. Neither use of the Internet is disclosed in Andrews.

Claims 4-10 and 14-20, which depend directly or indirectly from claims 1 and 11, are directed to a supervisor screen that contains a list of each active agent. No such page is disclosed in Andrews. The page as claimed in claims 5 and 15 may provide access to each active agent's profile. As claimed in claims 6 and 16, the page displays a work load for each active agent. Claims 8 and 18 are directed to a page wherein the workload display may be a plurality of icons representing calls and selectable for displaying information about those calls. Neither Andrews nor the level of knowledge in the art teaches such a system.

Independent claim 21 of the present application corresponds to claim 36 of the parent. That claim is similarly directed to an Internet-based telemarketing system. The telemarketing server system of claim 21 includes a database for storing information about the agent and the customer, and the system provides at least a portion of the agent information to a supervisor and at least a portion of the customer information to the agent through the Internet.

Andrews does not disclose providing information to supervisors. The Examiner states in the Final Official Action that “it is well known to have supervisors coupled to ACD systems in order to review their agents’ performance.” Assuming for purposes of this paper only that such a practice is known, Applicant submits that there is no teaching or suggestion of record to combine the use of supervisors with the system of Andrews. Andrews never mentions supervisors or agent supervision; Andrews is instead directed to optimizing the routing of incoming calls (Andrews, col. 2, lines 43-57).

The combination claimed in claim 21 yields results that are substantially superior to those of the system of Andrews et al. The present system allows a supervisor to dynamically and advantageously fine tune the system in real time (present specification, page 25, line 15 – page 28, line 3), while eliminating the need to have agents and supervisors at a single geographic location (page 11, lines 19-23).

Claim 22, which depends from claim 21, further requires that the system provide the supervisor with customer information about customers in a queue for the agent. No such system is taught or suggested by Andrews.

Independent claims 23-29 correspond generally to claim 38 in the parent application. Those claims are directed to a method, system and computer readable medium relating to a telemarketing system, in which system performance information is forwarded to supervisor,

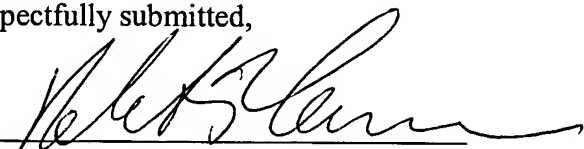
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among other steps. Applicant submits that those claims are patentable for the same reasons set forth above with respect to claim 21 regarding providing information to the supervisor.

Applicant submits that, for the reasons stated above, the claims are in condition for allowance, and earnestly requests that the Examiner issue a timely Notice of Allowance. Should the Examiner wish to discuss any matter concerning this application, he is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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